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Crawford Maunu PLLC  
1270 Northland Drive, Suite 390  
St. Paul MN 55120

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**SEP 24 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Walton Fong et al.	:	
Application No. 10/813,562	:	DECISION ON PETITION
Filed: March 30, 2004	:	UNDER 37 C.F.R. §1.53
Attorney Docket No.:	:	
HSJ920030165US1 (HITG.048	:	
Title: METHOD FOR CONTROLLING A	:	
BURNISH CYCLE TO MINIMIZE CYCLE	:	
TIME	:	

This is a decision on the petition filed August 19, 2004, requesting that the above-identified application, including page 10 of the specification, be accorded a filing date of March 30, 2004 as part of the original disclosure.

The application was deposited on March 30, 2004. However, on June 15, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that page 10 of the specification appeared to have been omitted. The notice set a two-month period of reply, and further indicated that the filing fee, the oath or declaration, and a surcharge for the late submission of the same would be required.

In response, on August 19, 2004, applicants filed the present petition. The petition contains a certificate of mailing dated August 16, 2004. As such, a one-month extension of time has been charged to Petitioner's Deposit Account, as authorized in the petition. The petition is further accompanied by a copy of page 10 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Patent Application:

Pages Numbered 1-19, with 1pg. Abstract; 15 claims" in the United States Patent and Trademark Office (Office) on March 30, 2004. Applicants request that page 10 of the specification be accorded a filing date of March 30, 2004.

Receipt of the filing fee, a declaration, and the surcharge associated with the late submission of an oath or declaration is acknowledged.

It is noted that 13 pages of specification, 4 pages of claims, and a 1 page abstract have been located in the electronic file.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 30, 2004 included page 10 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 10 of the specification, was complete on filing and entitled to a filing date of March 30, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The portion of the notice mailed June 15, 2004 pertaining to the missing page of specification was sent in error, and this portion is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$130 has been refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to OIPE for further processing with a filing date of March 30, 2004, using the original application papers filed on that date, as well as page 10 of the specification submitted on August 19, 2004, and for noting in Office records that this sheet was present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



**Paul Shanowski**  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office